

1 THE HONORABLE ROBERT S. LASNIK
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 KAELI GARNER, *et al.*,

14 Plaintiffs,

15 v.

16 AMAZON.COM, INC., a Delaware Corporation,
17 and AMAZON.COM SERVICES LLC, a
Delaware Limited Liability Company,

18 Defendants.

19 Case No. 2:21-cv-00750-RSL

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28 **DECLARATION OF DANIELLE
IZZO IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO ENFORCE
CONFIDENTIALITY
DESIGNATIONS**

DEclaration IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION TO
ENFORCE CONFIDENTIALITY DESIGNATIONS
Case No. 2:21-cv-00750-RSL

BYRNES KELLER CROMWELL LLP
1000 SECOND AVENUE, 38TH FLOOR, SEATTLE, WA 98104
TELEPHONE: 206/622-2000 • FAX: 206/622-2522

1 I, Danielle Izzo, declares as follows:

2 I am an attorney in good standing admitted *pro hac vice* before the Court for this action. I
 3 am an associate at Labaton Keller Sucharow LLP. I make this declaration based on my personal
 4 knowledge and that of my colleagues who attended the meet and confers and sent the letter
 5 correspondence discussed below.

6 1. On March 20, 2024, Plaintiffs sent Defendants a letter pursuant to Section 6.4.2 of
 7 the Protective Order (ECF No. 81), seeking to disclose materials marked highly confidential –
 8 attorneys' eyes only to their expert, Dr. Serge Egelman. Plaintiffs' letter contained Dr. Egelman's
 9 background information, a list of work for which he received compensation or funding, and a then-
 10 current copy of his CV.

11 2. On March 22, 2024, Defendants sent Plaintiffs an email inquiring about the eight
 12 confidential matters identified in Plaintiff's March 20, 2024 letter.

13 3. On March 26, 2024, Plaintiffs explained to Defendants via email that the matters were
 14 confidential, but that they involved consulting for a private organization on issues not related to the
 15 claims in the present case.

16 4. On March 26, 2024, the parties met to discuss Dr. Egelman's confidential matters.
 17 During the meet and confer, Plaintiffs agreed that they would try to get information from Dr.
 18 Egelman about the technology or claims involved in the unrelated matters, per Defendants' request.
 19 At the same time, Plaintiffs proposed a compromise in which Plaintiffs would provide Defendants
 20 with a list of the specific categories of documents Plaintiffs intend to share with Dr. Egelman.

21 5. On March 26, 2024, Plaintiffs sent an email to Defendants to provide additional
 22 information about Dr. Egelman's work. Plaintiffs stated that Dr. Egelman confirmed that his work
 23 related to app development unrelated to Amazon, its products, or services.

24 6. On March 27, 2024, Defendants sent Plaintiffs a letter providing a new list of five
 25 additional questions that were not raised during the parties' meet and confer.

26 7. On April 3, 2024, Plaintiffs sent Defendants a letter in response to Defendants' March
 27, 2024 letter. Plaintiffs stated that Defendants' request for additional information went beyond the
 28 DECLARATION IN SUPPORT OF PLAINTIFFS'
 OPPOSITION TO DEFENDANTS' MOTION TO
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1 scope of the Stipulated Protective Order. In the spirit of compromise, Plaintiffs spoke to Dr. Egelman
2 and, based on his responses, provided answers to each of Defendants' additional questions.

3 8. On April 5, 2024, Defendants sent Plaintiffs another letter regarding Dr. Egelman's
4 eight confidential matters. Defendants failed to meet and confer with Plaintiffs prior to sending this
5 letter. In their letter, Defendants identified Dr. Egelman's publicly available resume which contained
6 updates since Plaintiffs' March 20, 2024 letter. Defendants also requested that Plaintiffs answer
7 three additional questions about Dr. Egelman's work.

8 9. On April 12, 2024, Plaintiffs sent Defendants a letter in response to Defendants' April
9 5, 2024 letter. Here, Plaintiffs explained that Defendants failed to follow the procedure set forth in
10 the parties' Stipulated Protective Order for objecting to the disclosure of highly confidential
11 documents to an expert. See ECF No. 81 (Section 6.4.4) by failing to meet and confer with Plaintiffs
12 within five business days of the notice of objection. In this letter, Plaintiffs further explained that
13 they had complied with the Protective Order and provided fulsome disclosures about Dr. Egelman's
14 work and experience.

15 Dated: May 23, 2024

16 By: /s/ Danielle Izzo

17 Danielle Izzo

18 LABATON KELLER SUCHAROW LLP

19 20 **BYRNES KELLER CROMWELL LLP**
21 BRADLEY S. KELLER (WSBA# 10665)
22 1000 Second Avenue, 38th Floor
23 Seattle, WA 98104
24 Telephone: 206/622-2000
25 206/622-2522 (fax)
26 bkeller@byrneskeller.com

27 Local Counsel for Plaintiffs and the Class

28 **ROBBINS GELLER RUDMAN**

& DOWD LLP

PAUL J. GELLER

STUART A. DAVIDSON

(admitted *pro hac vice*)

MARK J. DEARMAN

(admitted *pro hac vice*)

ALEXANDER C. COHEN

(admitted *pro hac vice*)

NICOLLE B. BRITO

(admitted *pro hac vice*)

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31 **BYRNES KELLER CROMWELL LLP**
32 1000 SECOND AVENUE, 38TH FLOOR, SEATTLE, WA 98104
33 TELEPHONE: 206/622-2000• FAX: 206/622-2522

1 225 NE Mizner Boulevard, Suite 720
2 Boca Raton, FL 33432
3 Telephone: 561/750-3000
4 561/750-3364 (fax)
5 pgeller@rgrdlaw.com
6 sdavidson@rgrdlaw.com
7 mdearman@rgrdlaw.com
8 acohen@rgrdlaw.com
9 nbrito@rgrdlaw.com

10 **LABATON KELLER SUCHAROW LLP**
11 MICHAEL P. CANTY
12 (admitted *pro hac vice*)
13 CAROL C. VILLEGRAS
14 (admitted *pro hac vice*)
15 GUILLAUME BUELL
16 (admitted *pro hac vice*)
17 THOMAS G. HOFFMAN JR.
18 (admitted *pro hac vice*)

19 DAVID SALDAMANDO
20 (admitted *pro hac vice*)
21 DANIELLE IZZO
22 (admitted *pro hac vice*)

23 140 Broadway, 34th Floor
24 New York, NY 10005
25 Telephone: 212/907-0700
26 212/818-0477 (fax)
27 mcanty@labaton.com
cvillegas@labaton.com
gbuell@labaton.com
thoffman@labaton.com

28 dsaldamando@labaton.com
dizzo@labaton.com

19 *Interim Co-Lead Class Counsel*

20 **BURSOR & FISHER, P.A.**
21 L. TIMOTHY FISHER
22 (admitted *pro hac vice*)
23 1990 North California Boulevard, Suite 940
24 Walnut Creek, CA 94596
25 Telephone: 925/300-4455
26 925/407-2700 (fax)
27 ltfisher@bursor.com

28 **BURSOR & FISHER, P.A.**
29 ALEC M. LESLIE
30 (admitted *pro hac vice*)
31 MAX S. ROBERTS
32 (admitted *pro hac vice*)
33 1330 Avenue of the Americas, 32nd Floor

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38 **BYRNES KELLER CROMWELL LLP**
39 1000 SECOND AVENUE, 38TH FLOOR, SEATTLE, WA 98104
40 TELEPHONE: 206/622-2000• FAX: 206/622-2522

New York, NY 10019
Telephone: 646/837-7150
212/989-9163 (fax)
aleslie@bursor.com
mroberts@bursor.com

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

ROBERT K. SHELQUIST
(admitted pro hac vice)
REBECCA A. PETERSON
(admitted pro hac vice)
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401-2159
Telephone: 612/339-6900
612/339-0981 (fax)
rkshequelquist@locklaw.com
rapeterson@locklaw.com

ZIMMERMAN REED, LLP

BRIAN C. GUDMUNDSON
(admitted *pro hac vice*)
JASON P. JOHNSTON
(admitted *pro hac vice*)
MICHAEL J. LAIRD
(admitted *pro hac vice*)
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Telephone: 612/341-0400
612/341-0844 (fax)
brian.gudmundson@zimmreed.com
jason.johnston@zimmreed.com
michael.laird@zimmreed.com

ZIMMERMAN REED LLP

CALEB MARKER (admitted *pro hac vice*)
2381 Rosecrans Avenue, Suite 328
Manhattan Beach, CA 90245
Telephone: 877/500-8780
caleb.marker@zimmreed.com

Interim Class Counsel

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